

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6571**

**BILL NUMBER:** HB 1208

**NOTE PREPARED:** Dec 30, 2002

**BILL AMENDED:**

**SUBJECT:** Removal of teachers for felony offenses.

**FIRST AUTHOR:** Rep. Lutz

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires the revocation of the license of a teacher who is convicted after June 30, 2003, of a Class A, Class B, or Class C felony. The bill requires the denial of a teacher's license or certificate to an applicant who is convicted after June 30, 2003, of a Class A, Class B, or Class C felony. The bill authorizes the cancellation of the contract of a teacher who is convicted after June 30, 2003, of a Class A, Class B, or Class C felony.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Summary:* The Indiana Professional Standards Board could have increased expenditures such as printing and mailing notices for a hearing. After a complaint against a license holder is filed by the Indiana Department of Education (IDOE), an administrative law judge presides over an adjudication proceeding where the licensed individual named in the complaint may present their case. Once the judge has ruled, the Board holds a meeting to determine if the ruling of the judge will be upheld. If additional revocation hearings occur due to the bill, the Board could include the hearing during a scheduled meeting. Through October of 2002, the Board has met eight times for the year. The Board met seven times during CY 2001.

**Explanation of State Revenues:** *Summary:* If more revocations of teacher licenses are carried out as a result of the bill, fewer license renewal fees would be collected. It is believed the reduction to state revenue would be minimal. Effective January 1, 2002, teacher license fees are \$35. In FY 2002 the Professional Standards Board collected \$442,335 in teacher license revenue. All fees from teacher licenses are deposited into the state General Fund.

*Background:* Current law allows for the permanent revocation of a teacher license for the following offenses (IC 20-6.1-3-7(c)):

Offense	Classification
Rape	Class B felony (Class A if with deadly force/weapon)
Criminal deviate conduct	Class B felony (Class A if with deadly force/weapon)
Child molesting	Class C felony (Class A if with deadly force/weapon)
Child exploitation	Class D felony (Class C if it is committed by using a computer network)
Vicarious sexual gratification	Class D felony (Class C if child involved in the offense is under the age of fourteen; Class B if with deadly force/weapon or use of drugs to induce)
Child solicitation	Class D felony (Class C if it is committed by using a computer network)
Child seduction	Class D felony (Class C if deadly force/weapon or use of drugs to induce)
Sexual misconduct with a minor	Class C felony (Class B if offender is 21 years or older; Class A if with deadly force/weapon or use of drugs to induce)
Incest	Class C felony. (Class B if victim is less than 16 years of age.)

*Revocation Data:* The following table illustrates the number of teacher license revocations and comments on the reason.

Year	Number of Revocations	Comments
CY 2002	14*	At least five of the revocations were for an offense under section 7(c) in the previous table.
CY 2001	10	At least two of the revocations were for an offense under section 7(c) in the above table.
CY 2000	6	Five of the revocations were for sexual misconduct with a minor (section 7(c) violation listed above). The remaining revocation was for a section 7(a) violation: immorality, misconduct in office, incompetency, willful neglect of duty.
CY 1999	7	Two of these revocations were for at least one of the offenses listed above (IC 20-6.1-3-7(c)). Two other revocations were due to immorality as listed in current law under (IC 20-6.1-3-7(a)).

\*Through October 2002

*FTE:* School year 2001-2002 FTE for teachers was 59,559.

**Explanation of Local Expenditures:** Under current law, school corporations may cancel indefinite contracts with permanent teachers for the offenses listed above. Additional cancellations would depend on local action and the decision of the Board to revoke a teacher license for either a Class A, B, or C felony.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Department of Education, Indiana Professional Standards Board.

**Local Agencies Affected:** School corporations.

**Information Sources:** Philip McGovern, Indiana Professional Standards Board, (317) 232-9018; Indiana Professional Standards Board website: <http://www.in.gov/psb/board>; Kevin McDowell, Department of Education, (317) 232-6647; DOE SAS and ORACLE databases.

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